

vacancies occurring through 1/26/22

Note: The following court case has enjoined the Board “from taking any steps to enforce or institute the Judicial Circuits Districting Act of 2022.” Madison County v. Illinois State Board of Elections, No. 2022-CH-10 (Sangamon Co. 1/24/22). See Temporary Restraining Order attached as Exhibit A. Under this order, circuit judgeships in the 3rd Judicial Circuit are to be elected at-large, not in subcircuits, during the 2022 election cycle. We recommend consulting with counsel if you are a potential candidate for a circuit judge position in the 3rd Judicial Circuit to understand the implications of this order and remain apprised of any further orders of the Court.

JUDICIAL VACANCIES IN THE SUBCIRCUITS OF THE 19TH JUDICIAL CIRCUIT

Special Filing Period for Subcircuits Contained in the 19th Judicial Circuit:

March 16th – March 23th, 2022

The vacancies below are subject to the special judicial filing period pursuant to Public Act 102-0693

DOWNSTATE CIRCUITS	
19 th Circuit – Resident, 3 rd Subcircuit	Vacancy of the Hon. Valerie Boettle Ceckowski
19 th Circuit – Resident, 4 th Subcircuit	Vacancy of the Hon. Diane E. Winter
19 th Circuit – Resident, 12 th Subcircuit	Vacancy of the Hon. Jay W. Ukena

Exhibit A

IN THE CIRCUIT COURT FOR THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS

MADISON COUNTY, ILLINOIS, on)
Behalf of the County and People of)
Madison County, and)

CHRISTINA WILEY, pro se)
)
Plaintiffs,)

Case No: 2022-CH-10

v.)

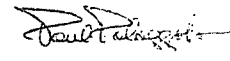
ILLINOIS STATE BOARD OF)
ELECTIONS, IAN K. LINNABARY)
CASANDRA B. WATSON, WILLIAM J.)
CADIGAN, LAURA K. DONAHUE,)
TONYA L. GENOVESE, CATHERIN S.)
MCCRORY, WILLIAM M. MCGUFFAGE)
ANDRICK S. TEREVEN, SR. IN THEIR)
OFFICIAL CAPACITIES AS BOARD)
MEMBERS OF THE ILLINOIS BOARD)
OF ELECTIONS, JARY ROBERT ("J.B."))
PRITZKER, IN HIS CAPACITY AS)
GOVERNOR OF THE STATE OF)
ILLINOIS, CYNTHIA A. GRANT, IN HER)
CAPACITY AS THE CLERK OF THE)
SUPREME COURT OF ILLINOIS.)

Defendants.)

FILED

JAN 25 2022

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 Clerk of the
Circuit Court

TEMPORARY RESTRAINING ORDER

THIS MATTER coming before the court on the Motion of Plaintiffs' MADISON COUNTY, ILLINOIS, by and through Thomas Haine, Madison County State's Attorney, as directed by the Madison County Board on behalf of the residents of Madison County, and CHRISTINA WILEY, pro se, for a Temporary Restraining Order (TRO), the Court having reviewed Plaintiffs' First Amended Complaint and motion papers, considered the arguments of counsel, and being fully advised in the premises;

THE COURT FINDS:

1. The status quo between the parties was as follows: Prior to January 7, 2022, the Third Judicial Circuit had a total of 5 at-large circuit judges and 4 resident circuit judges. Three (3) of

the resident circuit judges were elected from Madison County and one (1) resident circuit judge was elected from Bond County. In judicial elections, all county residents in Madison County were able to vote for both the election and retention of a candidate or sitting Judge. Petitions to run as a candidate for two vacant judicial seats in the Third Circuit had been made available and permitted eligible candidates throughout Madison County to run for those two available seats. Further, any voter in any part of Madison County was able to sign petitions for candidates for these two vacancies, and vote for candidates running for those seats.

2. For the reasons that follow, Plaintiffs have made a fair showing that they are entitled to a TRO to preserve the status quo until such time as the court conducts a hearing on Plaintiffs' Motion for a Preliminary Injunction.

3. The Plaintiffs have demonstrated they have a legally protectable interest as Madison County has an interest in ensuring a fair and error free election that has credible potential to be substantially hindered by the requirement to immediately implement Judicial Circuits Districting Act of 2022 ("the Act"), Madison County has an interest in prohibiting the implementation of a statute when a fair showing has been made as to its unconstitutionality and it may be struck down entirely in the future after further judicial review, Madison County voters and pro se Plaintiff have a protectable interest in ensuring they are not excluded from signing any candidate's otherwise valid petition and then voting for judicial candidates in the upcoming 2022 election; and potential candidates who are citizens of Madison County have an interest in being able to run for a judicial vacancy already established and designated by the Illinois Supreme Court in the 2022 election.

4. The Plaintiffs have demonstrated that Defendants are threatening to violate Plaintiffs' rights in the above stated interests and are threatening to alter the status quo by instituting the Act or requiring the Act be instituted which would divide existing judicial circuits into sub-circuits and provide the manner of selection and election of resident judges to preside in those newly created sub-circuits. The Act creates three (3) new sub-circuits in Madison County, Illinois and directs that the sub-circuits be implemented immediately for the November 2022 elections.

5. The Plaintiffs have demonstrated that they will suffer irreparable harm unless the Defendants are temporarily restrained from taking actions to institute the Act in Madison County, for the following reasons: voters in a majority of Madison County would be precluded in voting in the election of a sub-circuit judge, the creation of circuit exclusively comprised of sub-circuits with no

at large circuit judgeships may be unconstitutional, and the County would be burdened with significant expense in reconfiguring voter cards and other confusion caused by the Act.

6. The Plaintiffs have demonstrated that they have no adequate legal remedy for the injuries that will be caused by the Defendants in the absence of the relief sought. The injuries include the potential for voter confusion, the potential for voter disenfranchisement, and the exclusion of candidates from the ballot could not be remedied absent entry of a temporary restraining order.

7. The Plaintiffs have demonstrated a fair question as to the likelihood of success on the merits, in that Plaintiffs allege the General Assembly has exceeded its authority under Illinois Constitution through enactment of the Act; Plaintiffs have demonstrated a fair question they will succeed on the merits on their argument that the Act is an unconstitutional infringement on the Separation of Powers doctrine under the Illinois Constitution; and, Plaintiffs have demonstrated a fair question they will succeed on the merits on their argument that the Act violates the Illinois Constitution's prohibition on special legislation.

8. The Plaintiffs have demonstrated that the balance of hardships favors issuance of a TRO. In the absence of a TRO, the Plaintiffs will engage in unnecessary expense in redoing voter cards and other election related tasks, voters will be deprived of a vote for judicial candidates if they do not reside in a particular sub-circuit, and candidates will be excluded from participating in the election based on their current residence. If the Court grants the TRO, the Defendants will suffer no hardship. The potential harm to the Plaintiffs from denying the TRO, therefore, outweighs the potential harm to Defendants from granting the TRO.

9. The court finds that no injunction bond is necessary at this time because as Defendants will not be forced to incur any monetary loss by granting the TRO.

IT IS HEREBY ORDERED THAT:

1. The Plaintiffs' Motion for a Temporary Restraining Order is **GRANTED**.
2. Defendants are hereby temporarily restrained and enjoined from taking any steps to enforce or institute the Judicial Circuits Districting Act of 2022.
3. Any petitions collected on or between January 22nd and January 24th for a sub-circuit election for the vacancies of the Honorable David Dugan and the Honorable Richard Tognarelli shall be accepted by the State Board of Elections for the reinstated county wide residency election.
4. To maintain the status quo, Clerk of the Supreme Court shall recertify the original vacancies of

the Honorable David Dugan and the Honorable Richard Tognarelli, as they were before the passing of the Act.

5. This Order shall continue in full force and effect until the court conducts a hearing on Plaintiffs' Motion for a Preliminary Injunction.

6. The Plaintiffs are granted seven (7) days, to and including January 31, 2022, to file their Motion for Preliminary Injunction and supporting Memorandum of Law.

7. The Defendants are granted seven (7) days thereafter the filing of Plaintiff's Motion for Preliminary Injunction and no later than February 7, 2022, to file their Memorandum of Law in Opposition to Plaintiff's Motion for Preliminary Injunction.

8. Plaintiff's Motion for Preliminary Injunction is set for hearing on 2/15/22 @ 1:30 pm.

9. For the reasons set forth above, no bond shall be required as a condition of this TRO.

ENTERED:

1/24/22

lyn L. Long